

**Exhibit “A” to Request for Judicial Notice**

**Outerbridge Access Association, et al. v.  
Marie Callender’s Pie Shops, Inc., et al.**

**Southern District Case No. 07-CV-2129 BTM (AJB)**

11/9/07  
9:25A  
GP

Summons in a Civil Action (Rev 11/97)

**United States District Court**  
SOUTHERN DISTRICT OF CALIFORNIA

OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF DIANE CROSS; and DIANE CROSS, An Individual,

Plaintiffs,

v.

MARIE CALLENDER'S PIE SHOPS, INC. d.b.a. MARIE CALLENDER'S #254; PACIFIC BAGELS, LLC d.b.a. BRUEGGLERS BAGELS; COURTYARD HOLDINGS, LP; PSS PARTNERS, LLC; AND DOES 1 THROUGH 10, Inclusive,

Defendants.

**SUMMONS IN A CIVIL ACTION**  
Case No.

07 2129 PTX (AJB)

TO: (Name and Address of Defendant)

MARIE CALLENDER'S PIE SHOPS, INC. d.b.a.  
MARIE CALLENDER'S # 254

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

David C. Wakefield, Esq.  
Michelle L. Wakefield, Esq.,  
PINNOCK & WAKEFIELD, A.P.C.  
3033 5th Ave, 410, San Diego, California 92103  
Telephone: (619) 858-3671; Facsimile: (619) 858-3646

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

J. HINK 

By Deputy Clerk

11/07/07

DATE

Summons in a Civil Action

Page 1 of 2

::ODMA\PCDOCS\WORDPERFECT\14443\1 May 5, 1999(11:34am)

**EXHIBIT A**

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I. PLAINTIFFS

OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF DIANE CROSS; and DIANE CROSS, An Individual, Plaintiffs.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

MARIE CALLENDER'S PIE SHOPS, INC., d.b.a. MARIE CALLENDER'S #254; PACIFIC BAGELS, LLC d.b.a. BRUEGGARS BAGELS; COURTYARD HOPPINGS, LLP; PSS PARTNERS, LLC; AND DOES 1 THROUGH 10, THE FIVE

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY) San Diego  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Michelle L. Wakefield, Esq. SBN: 200424  
Theodore A. Pinnock, Esq. SBN: 153434  
PINNOCK & WAKEFIELD, A.P.C.  
3033 Fifth Ave., Suite 410, San Diego, CA 92103  
Telephone: (619) 858-3671; Facsimile: (619) 858-3646

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff  3 Federal Question  
(U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

## 42 U.S.C. Sections 12101-12102, 12181-12183, and 12201, Et. Seq.

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 410 Agriculture	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury- Medical Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 153	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 363 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 430 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 430 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 440 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 450 Airline Regs	<input type="checkbox"/> 480 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 460 Occupational Safety/Health	<input type="checkbox"/> 490 Securities/Commodities Exchange
<input type="checkbox"/> 180 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 470 Fair Labor Standards Act	<input type="checkbox"/> 575 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 520 Labor/Mgmt Relations	<input type="checkbox"/> 581 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 700 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 592 Economic Stabilization Act
REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 593 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 594 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> Habeas Corpus	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 595 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> Security Act	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Wages	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prisoner Conditions		

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding  2 Removal from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

II. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

## DEMAND \$

To Be Determined At Trial

JURY DEMAND:  YES  NO

Docket Number

SIGNATURE OF ATTORNEY OF RECORD

1 **PINNOCK & WAKEFIELD**  
 2 A Professional Corporation  
 3 Theodore A. Pinnock, Esq. Bar #: 153434  
 4 David C. Wakefield, Esq. Bar #: 185736  
 5 Michelle L. Wakefield, Esq. Bar #: 200424  
 6 3033 Fifth Avenue, Suite 410  
 7 San Diego, CA 92103  
 8 E-Mail: TheodorePinnock@PinnockWakefieldLaw.com  
 9 DavidWakefield@PinnockWakefieldLaw.com  
 10 MichelleWakefield@PinnockWakefieldLaw.com  
 11 Telephone: 619.858.3671  
 12 Facsimile: 619.858.3646

13 Attorneys for Plaintiffs

14  
 15 **UNITED STATES DISTRICT COURT**  
 16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 **OUTERBRIDGE ACCESS  
 18 ASSOCIATION, SUING ON BEHALF  
 19 OF DIANE CROSS; and DIANE  
 20 CROSS, An Individual,**

21 **Plaintiffs,**

22 **v.**

23 **MARIE CALLENDER'S PIE SHOPS,  
 24 INC. d.b.a. MARIE CALLENDER'S  
 25 #254; PACIFIC BAGELS, LLC  
 d.b.a. BRUEGGARS BAGELS;  
 COURTYARD HOLDINGS, LP; PSS  
 PARTNERS, LLC; AND DOES 1  
 THROUGH 10, Inclusive,**

26 **Defendants.**

27  
 28 **Case No.: 07 CV 2129 BTM (A.J.)**  
**COMPLAINT**

**CLASS ACTION**

**DISCRIMINATORY PRACTICES IN  
 PUBLIC ACCOMMODATIONS**

[42 U.S.C. 12182(a) ET. SEQ,  
 CIVIL CODE 51, 52, 54, 54.1,  
 54.3]

**DEMAND FOR JURY TRIAL**  
 [F.R.Civ.P. rule 38(b)]

29 **INTRODUCTION**

30 1. Plaintiffs OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF  
 31 DIANE CROSS AND ITS MEMBERS; and DIANE CROSS, An Individual,  
 32 herein complain, by filing this Civil Complaint in accordance with  
 33 rule 8 of the Federal Rules of Civil Procedure in the Judicial  
 34

1 District of the United States District Court of the Southern  
 2 District of California, that Defendants have in the past, and  
 3 presently are, engaging in discriminatory practices against  
 4 individuals with disabilities, specifically including minorities  
 5 with disabilities. Plaintiffs allege this civil action and others  
 6 substantial similar thereto are necessary to compel access  
 7 compliance because empirical research on the effectiveness of  
 8 Title III of the Americans with Disabilities Act indicates this  
 9 Title has failed to achieve full and equal access simply by the  
 10 executive branch of the Federal Government funding and promoting  
 11 voluntary compliance efforts. Further, empirical research shows  
 12 when individuals with disabilities give actual notice of potential  
 13 access problems to places of public accommodation without a  
 14 federal civil rights action, the public accommodations do not  
 15 remove the access barriers. Therefore, Plaintiffs make the  
 16 following allegations in this federal civil rights action:  
 17

**JURISDICTION AND VENUE**

18 2. The federal jurisdiction of this action is based on the  
 19 Americans with Disabilities Act, 42 United States Code 12101-  
 20 12102, 12181-12183 and 12201, et seq. Venue in the Judicial  
 21 District of the United States District Court of the Southern  
 22 District of California is in accordance with 28 U.S.C. § 1331(b)  
 23 because a substantial part of Plaintiffs' claims arose within the  
 24 Judicial District of the United States District Court of the  
 25 Southern District of California.

**SUPPLEMENTAL JURISDICTION**

26 3. The Judicial District of the United States District Court of  
 27  
 28

1 the Southern District of California has supplemental jurisdiction  
 2 over the state claims as alleged in this Complaint pursuant to 28  
 3 U.S.C. § 1337(a). The reason supplemental jurisdiction is proper  
 4 in this action is because all the causes of action or claims  
 5 derived from federal law and those arising under state law, as  
 6 herein alleged, arose from common nucleus of operative facts. The  
 7 common nucleus of operative facts, include, but are not limited  
 8 to, the incidents where Plaintiffs were denied full and equal  
 9 access to Defendants' facilities, goods, and/or services in  
 10 violation of both federal and state laws when they attempted to  
 11 enter, use, and/or exit Defendants' facilities as described below  
 12 within this Complaint. Further, due to this denial of full and  
 13 equal access, OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF  
 14 DIANE CROSS and DIANE CROSS, An Individual, and other persons with  
 15 disabilities were injured. Based upon the said allegations, the  
 16 state actions, as stated herein, are so related to the federal  
 17 actions that they form part of the same case or controversy and  
 18 one would ordinarily expect the actions to be tried in one  
 19 judicial proceeding.

20 **NAMED DEFENDANTS AND NAMED PLAINTIFF**

21 4. Defendants are, and, at all times mentioned herein, were, a  
 22 business or corporation or franchise organized and existing and/or  
 23 doing business under the laws of the State of California.  
 24 Plaintiff is informed and believes and thereon alleges that  
 25 Defendant MARIE CALLENDER'S PIE SHOPS, INC. is the owner,  
 26 operator, franchiser, licensor, and/or is doing business as MARIE  
 27 CALLENDER'S #254. Defendant MARIE CALLENDER'S PIE SHOPS, INC.  
 28

1 d.b.a. MARIE CALLENDER'S #254 is located at 11122 Rancho Carmel  
 2 Drive, San Diego, California 92128, Assessor Parcel Number: 313-  
 3 730-38. Plaintiff is informed and believes and thereon alleges  
 4 that Defendant PACIFIC BAGELS, LLC is the owner, operator,  
 5 franchiser, licensor, and/or is doing business as BRUEGGARS  
 6 BAGELS. Defendant PACIFIC BAGELS, LLC d.b.a. BRUEGGARS BAGELS is  
 7 located at 11134 Rancho Carmel Drive, San Diego, California 92128,  
 8 Assessor Parcel Number: 313-042-04. Plaintiff is informed and  
 9 believes and thereon alleges that Defendant COURTYARD HOLDINGS, LP  
 10 is the owner, operator, and/or lessor of the real property located  
 11 at 11122 Rancho Carmel Drive, San Diego, California 92128,  
 12 Assessor Parcel Number: 313-730-38. Defendant COURTYARD HOLDINGS,  
 13 LP is located at 601 Thirteenth Street, Suite 450, Washington, DC  
 14 20005. Plaintiff is informed and believes and thereon alleges that  
 15 Defendant PSS PARTNERS, LLC is the owner, operator, and/or lessor  
 16 of the real property located at 11134 Rancho Carmel Drive, San  
 17 Diego, California 92128, Assessor Parcel Number: 313-042-04.  
 18 Defendant PSS PARTNERS, LLC is located at 14358 Trailwind Road,  
 19 Poway, California 92064.

20 5. The words Plaintiff, Plaintiffs, Plaintiff's Member, and  
 21 Plaintiff's Members as used herein specifically include  
 22 OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF DIANE CROSS and  
 23 DIANE CROSS, An Individual.

24 6. Defendants Does 1 through 10, were at all times relevant  
 25 herein subsidiaries, employers, employees, agents, of MARIE  
 26 CALLENDER'S PIE SHOPS, INC. d.b.a. MARIE CALLENDER'S #254; PACIFIC  
 27 BAGELS, LLC d.b.a. BRUEGGARS BAGELS; COURTYARD HOLDINGS, LP; and

1 PSS PARTNERS, LLC. Plaintiffs are ignorant of the true names and  
 2 capacities of Defendants sued herein as Does 1 through 10,  
 3 inclusive, and therefore sue these Defendants by such fictitious  
 4 names. Plaintiffs will pray leave of the court to amend this  
 5 complaint to allege the true names and capacities of the Does when  
 6 ascertained.

7. Plaintiffs are informed and believe, and thereon allege, that

8 Defendants and each of them herein were, at all times relevant to  
 9 the action, the owner, lessor, lessee, franchiser, franchisee,  
 10 general partner, limited partner, agent, employee, representing  
 11 partner, or joint venturer of the remaining Defendants and were  
 12 acting within the course and scope of that relationship.

13 Plaintiffs are further informed and believe, and thereon allege,  
 14 that each of the Defendants herein gave consent to, ratified,  
 15 and/or authorized the acts alleged herein to each of the remaining  
 16 Defendants.

17 **STATEWIDE CLASS ACTION ALLEGATIONS UNDER FED.R.CIV.P. 23(b) AS TO**  
 18 **ALL DEFENDANTS**

19 8. Plaintiffs are members of a group within the State of  
 20 California composed of persons with a wide range of disabilities,  
 21 limited to persons who use wheelchairs for mobility, who must be  
 22 able to access retail merchandise establishments, like Defendants'  
 23 establishments located at 11122 Rancho Carmel Drive, San Diego,  
 24 California 92128, Assessor Parcel Number: 313-730-38, and 11134  
 25 Rancho Carmel Drive, San Diego, California 92128, Assessor Parcel  
 26 Number: 313-042-04. Plaintiffs are precluded from equal access to  
 27 Defendants' establishments so meaningfully because the

1 establishments, and each of them, fail to provide access for  
 2 members of the disability community who use a wheelchair for  
 3 mobility to the disabled parking, exterior path of travel,  
 4 entrance, food service counter, and women's restroom and seating  
 5 within the facilities. The Supreme Court of the United States has  
 6 held as long as the class representative provides adequate  
 7 representation for the class' interests, the court has the power  
 8 to adjudicate the rights and obligations of all class members -  
 9 even those who would otherwise be beyond the reach of its personal  
 10 jurisdiction. Phillips Petroleum Co. v. Shutts, 472 US 797 (1985).  
 11 This case stands for the proposition that minimum contacts are not  
 12 required with nonresident members of a plaintiff class because,  
 13 "the burdens placed by a State upon absent class action plaintiff  
 14 are not of the same order or magnitude as those it places on an  
 15 absent defendant." Id. Plaintiffs allege they will insure class  
 16 members shall receive adequate notice of the proceedings and the  
 17 opportunity to "opt out," if required

18 9. Defendants have conducted themselves such as to establish a  
 19 pattern and practice of architectural discrimination. Plaintiffs  
 20 allege that Defendants have control over each and every facility,  
 21 establishment, and/or business located within the property located  
 22 at 11122 Rancho Carmel Drive, San Diego, California 92128,  
 23 Assessor Parcel Number: 313-730-38, and 11134 Rancho Carmel Drive,  
 24 San Diego, California 92128, Assessor Parcel Number: 313-042-04.  
 25 Accordingly, Plaintiffs allege Defendants are responsible for  
 26 removing architectural barriers at Defendants' facilities and the  
 27 establishments/businesses contained therein.

10. For the aforementioned reasons, Plaintiffs allege they are  
proper class representatives for members of the disability  
community who use a wheelchair for mobility because the members of  
the disability community who use a wheelchair for mobility are so  
numerous that joinder is impracticable due to the fact more than  
one hundred (100) persons fall within the membership description.  
Also, the questions of law or fact are so common because the  
members of the disability community who use a wheelchair for  
mobility are being denied their civil rights under federal and  
state laws - that is, each member of the disability community who  
use a wheelchair for mobility suffered substantially similar  
violations relating to the disabled parking, exterior path of  
travel, entrance, food service counter, and women's restroom and  
seating within the facility. Further, the claims or defenses of  
the representative parties are typical - Plaintiffs have the right  
to access facilities, establishments, and businesses like those  
within the property located at 11122 Rancho Carmel Drive, San  
Diego, California 92128, Assessor Parcel Number: 313-730-38, and  
11134 Rancho Carmel Drive, San Diego, California 92128, Assessor  
Parcel Number: 313-042-04, and the businesses that are located  
thereon for many reasons including without limitation the purchase  
of retail merchandise. Defendants' facilities are open to the  
general public and Plaintiffs have been denied access because of  
violations, as outlined above and specifically addressed elsewhere  
within this Civil Complaint.

11. Additionally, Plaintiffs, as the named representatives, will  
fairly and adequately represent the interests of the class because

1 Plaintiffs and the members of the disability community in the  
 2 State of California who use a wheelchair for mobility have  
 3 suffered substantially similar violations. Finally, a pattern and  
 4 practice exists on the part of Defendants, and each of them, of  
 5 architectural discrimination at their public facilities located  
 6 within the State of California. On information and good faith  
 7 belief, Plaintiffs thereon allege that Defendants, prior to the  
 8 passing of the Americans With Disabilities Act in 1992, conceived,  
 9 commissioned, designed, and implemented among other things, a  
 10 design for their public facilities, including, but not limited to  
 11 the disabled parking, exterior path of travel, entrance, food  
 12 service counter, and women's restroom and seating within the  
 13 facility which do not meet the minimal standards outlined under  
 14 the federal regulations known as the Americans With Disabilities  
 15 Act Accessibility Guidelines ("ADAAG") and state regulations, also  
 16 known as Title 24 of the California Building Code, and to which  
 17 non-compliant plan they continue to utilize to the injury of the  
 18 members of the class. For these reasons and the facts as stated  
 19 herein, Plaintiffs have the right to maintain this statewide class  
 20 action pursuant to Fed.R.Civ.P. Rule 23(b).  
 21

CONCISE SET OF FACTS

22 12. Plaintiff OUTERBRIDGE ACCESS ASSOCIATION is an organization  
 23 that advocates on the behalf of its members with disabilities when  
 24 their civil rights and liberties have been violated. Plaintiff's  
 25 member DIANE CROSS is a member of Plaintiff Organization and has  
 26 physical impairments and due to these physical impairments she has  
 27 learned to successfully operate a wheelchair. Further,  
 28

1 Plaintiff's Member and Plaintiff DIANE CROSS' said physical  
 2 impairments substantially limits one or more of the following  
 3 major life activities including but not limited to: walking.

4 13. On November 11, 2006, Plaintiff CROSS went to Defendants'  
 5 public accommodation facilities known as MARIE CALLENDER'S PIE  
 6 SHOPS, INC. d.b.a. MARIE CALLENDER'S #254; PACIFIC BAGELS, LLC  
 7 d.b.a. BRUEGGARS BAGELS; COURTYARD HOLDINGS, LP; PSS PARTNERS,  
 8 LLC, located at 11122 Rancho Carmel Drive, San Diego, California  
 9 92128, Assessor Parcel Number: 313-730-38, and 11134 Rancho Carmel  
 10 Drive, San Diego, California 92128, Assessor Parcel Number: 313-  
 11 042-04, to utilize their goods and/or services accompanied by a  
 12 friend. When Plaintiff CROSS patronized Defendants' facilities,  
 13 she was unable to use and/or had difficulty using the public  
 14 accommodations' facilities within the common area including but  
 15 not limited to the disabled parking and exterior path of travel,  
 16 as said were not accessible because they failed to comply with ADA  
 17 Access Guidelines For Buildings and Facilities (hereafter referred  
 18 to as "ADAAG" and codified in 28 C.F.R. Part 36, App. A) and/or  
 19 California's Title 24 Building Code Requirements. Defendants  
 20 failed to remove barriers to equal access within the common area  
 21 in which the public accommodation facilities known as MARIE  
 22 CALLENDER'S PIE SHOPS, INC. d.b.a. MARIE CALLENDER'S #254; and  
 23 PACIFIC BAGELS, LLC d.b.a. BRUEGGARS BAGELS are located.

24 14. Plaintiff CROSS personally experienced difficulty with said  
 25 access barriers within the common area in which the public  
 26 accommodation facilities known as MARIE CALLENDER'S PIE SHOPS,  
 27 INC. d.b.a. MARIE CALLENDER'S #254, (hereinafter "MARIE

1 CALLENDER'S #254"), and PACIFIC BAGELS, LLC d.b.a. BRUEGGARS  
 2 BAGELS, (hereinafter "BRUEGGARS BAGELS"), are located. The  
 3 following examples of known barriers to access are not an  
 4 exhaustive list of the barriers to access that exist within the  
 5 common area of Defendants' facilities. For example, a "Van  
 6 Accessible" disabled parking space is located directly in front of  
 7 Pearle Vision, which is near MARIE CALLENDER'S #254; and BRUEGGARS  
 8 BAGELS. The access aisle for this "Van Accessible" disabled  
 9 parking space fails to be compliant, as a ramp impermissibly  
 10 encroaches into the access aisle. There are two (2) designated  
 11 disabled parking spaces directly serving MARIE CALLENDER'S #254.  
 12 The access aisle in between these two spaces fails to be  
 13 accessible, as a ramp impermissibly encroaches into this access  
 14 aisle. There is also a "Van Accessible" disabled parking space  
 15 located in the middle of the parking lot. This space fails to be  
 16 accessible, as it fails to provide an accessible route to any  
 17 of the facilities entrance located within the complex. Patrons  
 18 using this space would be forced to transverse through vehicular  
 19 traffic without the benefit of a marked path of travel.

20 15. When Plaintiff CROSS patronized Defendants' MARIE CALLENDER'S  
 21 #254 facilities, she was unable to use and/or had difficulty using  
 22 the public accommodations' facilities including but not limited to  
 23 the entrance, food service counter, and women's restroom, as said  
 24 were not accessible because they failed to comply with ADA Access  
 25 Guidelines For Buildings and Facilities (hereafter referred to as  
 26 "ADAAG" and codified in 28 C.F.R. Part 36, App. A) and/or  
 27 California's Title 24 Building Code Requirements. Defendants  
 28

1 failed to remove barriers to equal access within the public  
2 accommodation facilities known as MARIE CALLENDER'S #254.

3 16. Plaintiff CROSS personally experienced difficulty with said  
4 access barriers at MARIE CALLENDER'S #254. The following examples  
5 of known barriers to access are not an exhaustive list of the  
6 barriers to access that exist at Defendants' facilities. For  
7 example, the entrance to MARIE CALLENDER'S #254 fails to display  
8 the required International Symbol of Accessibility. The salad bar  
9 fails to be accessible, as condiments fail to be located within  
10 accessible reach ranges

11 17. The entrance door to the women's restroom within MARIE  
12 CALLENDER'S #254 fails to be accessible, as it requires an  
13 excessive amount of pressure to open. Also, within the women's  
14 restroom, the lavatory handles fail to be accessible, as they  
15 require tight grasping and/or twisting of the wrist to operate.

16 18. When Plaintiff CROSS patronized Defendants' BRUEGGARS BAGELS  
17 facilities, she was unable to use and/or had difficulty using the  
18 public accommodations' facilities including but not limited to the  
19 entrance, food service counters, women's restroom, and seating, as  
20 said were not accessible because they failed to comply with ADA  
21 Access Guidelines For Buildings and Facilities (hereafter referred  
22 to as "ADAAG" and codified in 28 C.F.R. Part 36, App. A) and/or  
23 California's Title 24 Building Code Requirements. Defendants  
24 failed to remove barriers to equal access at the public  
25 accommodation facilities known as BRUEGGARS BAGELS.

26 19. Plaintiff CROSS personally experienced difficulty with said  
27 access barriers at BRUEGGARS BAGELS. The following examples of  
28

1 known barriers to access are not an exhaustive list of the  
2 barriers to access that exist at Defendants' facilities. For  
3 example, the entrance to BRUEGGARS BAGELS fails to display the  
4 required International Symbol of Accessibility.

5 20. The counter within BRUEGGARS BAGELS where patrons order and  
6 also where the trays are kept fails to be accessible, as it is too  
7 high to be accessible. There also fails to be any disability  
8 signage informing disabled patrons that assistance is available  
9 upon request. Also, the tableware, condiments, and napkins fail to  
10 be accessible, as they fail to be located within accessible reach  
11 ranges. The napkins are located impermissibly high above the trash  
12 receptacle.

13 21. Within BRUEGGARS BAGELS, the women's restroom fails to be  
14 accessible, as highchairs were stacked in front of the door. Also  
15 within the BRUEGGARS BAGELS women's restroom, the paper towel  
16 dispenser fails to be accessible, as it is mounted at an excessive  
17 52" high and the toilet tissue dispenser fails to be accessible,  
18 as it is mounted an impermissible 44" high.

19 22. BRUEGGARS BAGELS fails to provide any accessible seating  
20 inside or outside of the facility.

21 23. Plaintiffs can prove these barriers as Plaintiffs conducted a  
22 preliminary survey of Defendants' facilities. Plaintiff  
23 Association alleges that its visually and hearing impaired members  
24 desire to go to Defendants' facility but cannot because of lack of  
25 auxiliary aids. Plaintiffs specifically allege that Defendants  
26 knew, to a substantial certainty, that the architectural barriers  
27 precluded wheelchair access. First, Plaintiffs will prove that  
28

1 Defendants had actual knowledge that the architectural barriers  
 2 precluded wheelchair access and that the noncompliance with ADAAG  
 3 as to accessible entrances was intentional. Second, due to the  
 4 abundance of ADA information and constant news covers of ADA  
 5 lawsuits, Defendants had actual knowledge of the ADA and decided  
 6 deliberately not to remove architectural barriers. Third,  
 7 Defendants have no plans to remodel. Fourth, Defendants had  
 8 actual knowledge of ADA given all the ADA public awareness  
 9 campaigns, the abundance of free ADA information and the media's  
 10 constant ADA coverage. Fifth, a human being acting for the  
 11 defendants made a conscious decision as to how to proceed given  
 12 the presence of the architectural barriers. Plaintiffs allege  
 13 any alternative methods preclude integration of wheelchair  
 14 patrons, as it requires them to use a second-class entrance.  
 15 Also, expert testimony will show the facility contained  
 16 inaccessible features. Plaintiffs allege businesses often state  
 17 that they have few customers with disabilities. Plaintiffs allege  
 18 such customers avoid patronizing inaccessible business and are  
 19 deterred from patronizing such businesses.

20 24. Plaintiff's Member and Plaintiff DIANE CROSS intends to  
 21 return to Defendants' public accommodation facilities in the  
 22 immediate future. Plaintiffs' Member and Plaintiff DIANE CROSS is  
 23 presently deterred from returning due to her knowledge of the  
 24 barriers to access that exist at Defendants' facilities.

25 25. Pursuant to federal and state law, Defendants are required to  
 26 remove barriers to their existing facilities. Further, Defendants  
 27 had actual knowledge of their barrier removal duties under the  
 28

1 Americans with Disabilities Act and the Civil Code before January  
 2 26, 1992. Also, Defendants should have known that individuals  
 3 with disabilities are not required to give notice to a  
 4 governmental agency before filing suit alleging Defendants failed  
 5 to remove architectural barriers.

6 26. Based on these facts, Plaintiffs allege they were  
 7 discriminated against each time they patronized Defendants'  
 8 facilities. Plaintiff's Member and Plaintiff DIANE CROSS was  
 9 extremely upset due to Defendants' conduct.

10 **NOTICE**

11 27. Plaintiffs are not required to provide notice to the  
 12 defendants prior to filing a complaint. *Botosan v. Paul McNally*  
 13 *Realty*, 216 F.3d 827, 832 (9<sup>th</sup> Cir 2000).

15 **WHAT CLAIMS ARE PLAINTIFFS ALLEGING AGAINST EACH NAMED DEFENDANT**

16 28. MARIE CALLENDER'S PIE SHOPS, INC. d.b.a. MARIE CALLENDER'S  
 17 #254; PACIFIC BAGELS, LLC d.b.a. BRUEGGARS BAGELS; COURTYARD  
 18 HOLDINGS, LP; PSS PARTNERS, LLC; and Does 1 through 10 will be  
 19 referred to collectively hereinafter as "Defendants."

20 29. Plaintiffs aver that the Defendants are liable for the  
 21 following claims as alleged below:

22 **DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS**

23 FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS- Claims Under The  
 24 Americans With Disabilities Act Of 1990

25 CLAIM I AGAINST ALL DEFENDANTS: Denial Of Full And Equal Access

26 30. Based on the facts plead at ¶¶ 12 - 28 above and elsewhere in  
 27 this complaint, Plaintiff's Member and Plaintiff DIANE CROSS was

1 denied full and equal access to Defendants' goods, services,  
 2 facilities, privileges, advantages, or accommodations. Plaintiffs  
 3 allege Defendants are a public accommodation owned, leased and/or  
 4 operated by Defendants. Defendants' existing facilities and/or  
 5 services failed to provide full and equal access to Defendants'  
 6 facility as required by 42 U.S.C. § 12182(a). Thus, Plaintiff's  
 7 Member and Plaintiff DIANE CROSS was subjected to discrimination  
 8 in violation of 42 United States Code 12182(b)(2)(A)(iv) and 42  
 9 U.S.C. § 12188 because Plaintiff's Member and Plaintiff DIANE  
 10 CROSS was denied equal access to Defendants' existing facilities.

11 31. Plaintiff's Member and Plaintiff DIANE CROSS has physical  
 12 impairments as alleged in ¶ 12 above because her conditions affect  
 13 one or more of the following body systems: neurological,  
 14 musculoskeletal, special sense organs, and/or cardiovascular.  
 15 Further, Plaintiff's Member and Plaintiff DIANE CROSS' said  
 16 physical impairments substantially limits one or more of the  
 17 following major life activities: walking. In addition,  
 18 Plaintiff's Member and Plaintiff DIANE CROSS cannot perform one or  
 19 more of the said major life activities in the manner, speed, and  
 20 duration when compared to the average person. Moreover,  
 21 Plaintiff's Member and Plaintiff DIANE CROSS has a history of or  
 22 has been classified as having a physical impairment as required by  
 23 42 U.S.C. § 12102(2)(A).

24  
 25 CLAIM II AGAINST ALL DEFENDANTS: Failure To Make Alterations In  
 26 Such A Manner That The Altered Portions Of The Facility Are  
 27 Readily Accessible And Usable By Individuals With Disabilities

1           32. Based on the facts plead at ¶¶ 12 - 28 above and elsewhere in  
2 this complaint, Plaintiff's Member and Plaintiff DIANE CROSS was  
3 denied full and equal access to Defendants' goods, services,  
4 facilities, privileges, advantages, or accommodations within a  
5 public accommodation owned, leased, and/or operated by Defendants.  
6 Defendants altered their facility in a manner that affects or  
7 could affect the usability of the facility or a part of the  
8 facility after January 26, 1992. In performing the alteration,  
9 Defendants failed to make the alteration in such a manner that, to  
10 the maximum extent feasible, the altered portions of the facility  
11 are readily accessible to and usable by individuals with  
12 disabilities, including individuals who use wheelchairs, in  
13 violation of 42 U.S.C. §12183(a)(2).  
14

15           33. Additionally, the Defendants undertook an alteration that  
16 affects or could affect the usability of or access to an area of  
17 the facility containing a primary function after January 26, 1992.  
18 Defendants further failed to make the alterations in such a manner  
19 that, to the maximum extent feasible, the path of travel to the  
20 altered area and the bathrooms, telephones, and drinking fountains  
21 serving the altered area, are readily accessible to and usable by  
22 individuals with disabilities in violation 42 U.S.C. §12183(a)(2).  
23

24           34. Pursuant to 42 U.S.C. §12183(a), this failure to make the  
25 alterations in a manner that, to the maximum extent feasible, are  
26 readily accessible to and usable by individuals with disabilities  
27 constitutes discrimination for purposes of 42 U.S.C. §12183(a).  
28 Therefore, Defendants discriminated against Plaintiffs in  
violation of 42 U.S.C. § 12182(a).

1 35. Thus, Plaintiff's Member and Plaintiff DIANE CROSS was  
 2 subjected to discrimination in violation of 42 U.S.C. § 12183(a),  
 3 42 U.S.C. §12182(a) and 42 U.S.C. §12188 because Plaintiff's  
 4 Member and Plaintiff DIANE CROSS was denied equal access to  
 5 Defendants' existing facilities.

7 CLAIM III AGAINST ALL DEFENDANTS: Failure To Remove Architectural  
 8 Barriers

9 36. Based on the facts plead at ¶¶ 12 - 28 above and elsewhere in  
 10 this complaint, Plaintiff's Member and Plaintiff DIANE CROSS was  
 11 denied full and equal access to Defendants' goods, services,  
 12 facilities, privileges, advantages, or accommodations within a  
 13 public accommodation owned, leased, and/or operated by Defendants.  
 14 Defendants failed to remove barriers as required by 42 U.S.C. §  
 15 12182(a). Plaintiffs are informed, believe, and thus allege that  
 16 architectural barriers which are structural in nature exist within  
 17 the following physical elements of Defendants' facilities: Space  
 18 Allowance and Reach Ranges, Accessible Route, Protruding Objects,  
 19 Ground and Floor Surfaces, Parking and Passenger Loading Zones,  
 20 Curb Ramps, Ramps, Stairs, Elevators, Platform Lifts (Wheelchair  
 21 Lifts), Windows, Doors, Entrances, Drinking Fountains and Water  
 22 Coolers, Water Closets, Toilet Stalls, Urinals, Lavatories and  
 23 Mirrors, Sinks, Storage, Handrails, Grab Bars, and Controls and  
 24 Operating Mechanisms, Alarms, Detectable Warnings, Signage, and  
 25 Telephones. Title III requires places of public accommodation to  
 26 remove architectural barriers that are structural in nature to  
 27 existing facilities. [See, 42 United States Code  
 28

1 12182(b)(2)(A)(iv).] Failure to remove such barriers and  
 2 disparate treatment against a person who has a known association  
 3 with a person with a disability are forms of discrimination. [See  
 4 42 United States Code 12182(b)(2)(A)(iv).] Thus, Plaintiff's  
 5 Member and Plaintiff DIANE CROSS was subjected to discrimination  
 6 in violation of 42 United States Code 12182(b)(2)(A)(iv) and 42  
 7 U.S.C. § 12188 because they were denied equal access to  
 8 Defendants' existing facilities.  
 9

10 CLAIM IV AGAINST ALL DEFENDANTS: Failure To Modify Practices,  
 11 Policies And Procedures

12 37. Based on the facts plead at ¶¶ 12 - 28 above and elsewhere in  
 13 this complaint, Defendants failed and refused to provide a  
 14 reasonable alternative by modifying its practices, policies and  
 15 procedures in that they failed to have a scheme, plan, or design  
 16 to assist Plaintiffs and/or others similarly situated in entering  
 17 and utilizing Defendants' services, as required by 42 U.S.C. §  
 18 12188(a). Thus, Plaintiff's Member and Plaintiff DIANE CROSS was  
 19 subjected to discrimination in violation of 42 United States Code  
 20 12182(b)(2)(A)(iv) and 42 U.S.C. § 12188 because Plaintiff's  
 21 Member and Plaintiff DIANE CROSS was denied equal access to  
 22 Defendants' existing facilities.

23 38. Based on the facts plead at ¶¶ 12 - 28 above, Claims I, II,  
 24 and III of Plaintiff's First Cause Of Action above, and the facts  
 25 elsewhere herein this complaint, Plaintiffs will suffer  
 26 irreparable harm unless Defendants are ordered to remove  
 27 architectural, non-architectural, and communication barriers at  
 28

1 Defendants' public accommodation. Plaintiffs allege that  
 2 Defendants' discriminatory conduct is capable of repetition, and  
 3 this discriminatory repetition adversely impacts Plaintiffs and a  
 4 substantial segment of the disability community. Plaintiffs  
 5 allege there is a national public interest in requiring  
 6 accessibility in places of public accommodation. Plaintiffs have  
 7 no adequate remedy at law to redress the discriminatory conduct of  
 8 Defendants. Plaintiffs desire to return to Defendants' places of  
 9 business in the immediate future. Accordingly, the Plaintiffs  
 10 allege that a structural or mandatory injunction is necessary to  
 11 enjoin compliance with federal civil rights laws enacted for the  
 12 benefit of individuals with disabilities.

13 39. WHEREFORE, Plaintiffs pray for judgment and relief as  
 14 hereinafter set forth.

16                   SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS - CLAIMS UNDER  
 17                   CALIFORNIA ACCESSIBILITY LAWS

18 CLAIM I: Denial Of Full And Equal Access

19 40. Based on the facts plead at ¶¶ 12 - 28 above and elsewhere in  
 20 this complaint, Plaintiff's Member and Plaintiff DIANE CROSS was  
 21 denied full and equal access to Defendants' goods, services,  
 22 facilities, privileges, advantages, or accommodations within a  
 23 public accommodation owned, leased, and/or operated by Defendants  
 24 as required by Civil Code Sections 54 and 54.1. Defendants'  
 25 facility violated California's Title 24 Accessible Building Code  
 26 by failing to provide access to Defendants' facilities due to  
 27 violations pertaining to the Space Allowance and Reach Ranges,  
 28

1 Accessible Route, Protruding Objects, Ground and Floor Surfaces,  
 2 Parking and Passenger Loading Zones, Curb Ramps, Ramps, Stairs,  
 3 Elevators, Platform Lifts (Wheelchair Lifts), Windows, Doors,  
 4 Entrances, Drinking Fountains and Water Coolers, Water Closets,  
 5 Toilet Stalls, Urinals, Lavatories and Mirrors, Sinks, Storage,  
 6 Handrails, Grab Bars, and Controls and Operating Mechanisms,  
 7 Alarms, Detectable Warnings, Signage, and Telephones.

8 41. These violations denied Plaintiff's Member and Plaintiff  
 9 DIANE CROSS full and equal access to Defendants' facility. Thus,  
 10 Plaintiff's Member and Plaintiff DIANE CROSS was subjected to  
 11 discrimination pursuant to Civil Code §§ 51, 52, and 54.1 because  
 12 Plaintiff's Member and Plaintiff DIANE CROSS was denied full,  
 13 equal and safe access to Defendants' facility, causing severe  
 14 emotional distress.

15

16 **CLAIM II: Failure To Modify Practices, Policies And Procedures**

17 42. Based on the facts plead at ¶¶ 12 - 28 above and elsewhere  
 18 herein this complaint, Defendants failed and refused to provide a  
 19 reasonable alternative by modifying its practices, policies, and  
 20 procedures in that they failed to have a scheme, plan, or design  
 21 to assist Plaintiffs and/or others similarly situated in entering  
 22 and utilizing Defendants' services as required by Civil Code §  
 23 54.1. Thus, Plaintiff's Member and Plaintiff DIANE CROSS was  
 24 subjected to discrimination in violation of Civil Code § 54.1.

25 **CLAIM III: Violation Of The Unruh Act**

26 43. Based on the facts plead at ¶¶ 12 - 28 above and elsewhere  
 27 herein this complaint and because Defendants violated the Civil  
 28

1 Code § 51 by failing to comply with 42 United States Code §  
 2 12182(b)(2)(A)(iv) and 42 U.S.C. § 12183(a)(2), Defendants did and  
 3 continue to discriminate against Plaintiffs and persons similarly  
 4 situated in violation of Civil Code §§ 51, 52, and 54.1,  
 5 44. Based on the facts plead at ¶¶ 12 - 28 above, Claims I, II,  
 6 and III of Plaintiffs' Second Cause Of Action above, and the facts  
 7 elsewhere herein this complaint, Plaintiffs will suffer  
 8 irreparable harm unless Defendants are ordered to remove  
 9 architectural, non-architectural, and communication barriers at  
 10 Defendants' public accommodation. Plaintiffs allege that  
 11 Defendants' discriminatory conduct is capable of repetition, and  
 12 this discriminatory repetition adversely impacts Plaintiffs and a  
 13 substantial segment of the disability community. Plaintiffs  
 14 allege there is a state and national public interest in requiring  
 15 accessibility in places of public accommodation. Plaintiffs have  
 16 no adequate remedy at law to redress the discriminatory conduct of  
 17 Defendants. Plaintiffs desire to return to Defendants' places of  
 18 business in the immediate future. Accordingly, the Plaintiffs  
 19 allege that a structural or mandatory injunction is necessary to  
 20 enjoin compliance with state civil rights laws enacted for the  
 21 benefit of individuals with disabilities.

22 45. Wherefore, Plaintiffs pray for damages and relief as  
 23 hereinafter stated.

24

25 Treble Damages Pursuant To Claims I, II, III Under The California  
 26 Accessibility Laws

27 46. Defendants, each of them respectively, at times prior to and  
 28

1 including, the month of November of 2006, and continuing to the  
2 present time, knew that persons with physical disabilities were  
3 denied their rights of equal access to all portions of this public  
4 facility. Despite such knowledge, Defendants, and each of them,  
5 failed and refused to take steps to comply with the applicable  
6 access statutes; and despite knowledge of the resulting problems  
7 and denial of civil rights thereby suffered by Plaintiffs and  
8 other similarly situated persons with disabilities. Defendants,  
9 and each of them, have failed and refused to take action to grant  
10 full and equal access to persons with physical disabilities in the  
11 respects complained of hereinabove. Defendants, and each of them,  
12 have carried out a course of conduct of refusing to respond to, or  
13 correct complaints about, denial of disabled access and have  
14 refused to comply with their legal obligations to make Defendants'  
15 public accommodation facilities accessible pursuant to the  
16 Americans With Disability Act Access Guidelines (ADAAG) and Title  
17 24 of the California Code of Regulations (also known as the  
18 California Building Code). Such actions and continuing course of  
19 conduct by Defendants, and each of them, evidence despicable  
20 conduct in conscious disregard of the rights and/or safety of  
21 Plaintiffs and of other similarly situated persons, justifying an  
22 award of treble damages pursuant to sections 52(a) and 54.3(a) of  
23 the California Civil Code.

24 47. Defendants, and each of their actions have also been  
25 oppressive to persons with physical disabilities and of other  
26 members of the public, and have evidenced actual or implied  
27 malicious intent toward those members of the public, such as  
28

1 Plaintiffs and other persons with physical disabilities who have  
 2 been denied the proper access to which they are entitled by law.  
 3 Further, Defendants, and each of their, refusals on a day-to-day  
 4 basis to correct these problems evidence despicable conduct in  
 5 conscious disregard for the rights of Plaintiffs and other members  
 6 of the public with physical disabilities.

7 48. Plaintiffs pray for an award of treble damages against  
 8 Defendants, and each of them, pursuant to California Civil Code  
 9 sections 52(a) and 54.3(a), in an amount sufficient to make a more  
 10 profound example of Defendants and encourage owners,  
 11 lessors/lessees, and operators of other public facilities from  
 12 willful disregard of the rights of persons with disabilities.  
 13 Plaintiffs do not know the financial worth of Defendants, or the  
 14 amount of damages sufficient to accomplish the public purposes of  
 15 section 52(a) of the California Civil Code and section 54.3 of the  
 16 California Civil Code.

17 49. Wherefore, Plaintiffs pray for damages and relief as  
 18 hereinafter stated.

20 **DEMAND FOR JUDGMENT FOR RELIEF:**

21 A. For general damages pursuant to Cal. Civil Code §§ 52 or  
 22 54.3;

23 B. For \$4,000 in damages pursuant to Cal. Civil Code § 52 for  
 24 each and every offense of Civil Code § 51, Title 24 of the  
 25 California Building Code, ADA, and ADA Accessibility Guidelines;

26 C. In the alternative to the damages pursuant to Cal. Civil Code  
 27 § 52 in Paragraph B above, for \$1,000 in damages pursuant to Cal.

1 Civil Code § 54.3 for each and every offense of Civil Code § 54.1,  
2 Title 24 of the California Building Code, ADA, and ADA  
3 Accessibility Guidelines;

4 D. For injunctive relief pursuant to 42 U.S.C. § 12188(a).  
5 Plaintiffs request this Court enjoin Defendants to remove all  
6 architectural barriers in, at, or on their facilities related to  
7 the following: Space Allowance and Reach Ranges, Accessible Route,  
8 Protruding Objects, Ground and Floor Surfaces, Parking and  
9 Passenger Loading Zones, Curb Ramps, Ramps, Stairs, Elevators,  
10 Platform Lifts (Wheelchair Lifts), Windows, Doors, Entrances,  
11 Drinking Fountains and Water Coolers, Water Closets, Toilet  
12 Stalls, Urinals, Lavatories and Mirrors, Sinks, Storage,  
13 Handrails, Grab Bars, and Controls and Operating Mechanisms,  
14 Alarms, Detectable Warnings, Signage, and Telephones.

15 E. For attorneys' fees pursuant to 42 U.S.C. § 1988, 42 U.S.C. §  
16 12205, and Cal. Code of Civil Procedure §§ 1032 and 1033.5;

17 F. For treble damages pursuant to Cal. Civil Code §§ 52(a) or  
18 54.3(a);

19 G. A Jury Trial and;

20 H. For such other further relief as the court deems proper.

22 Respectfully submitted:

23 PINNOCK & WAKEFIELD, A.P.C.

24 Dated: November 5, 2007

25 By: Theodore A. Pinnoch, Esq.  
26 Michelle L. Wakefield, Esq.  
27 Attorneys for Plaintiffs